

REMARKS

Interview

Applicants would like to thank Examiner Phuong Huynh for the phone conference held with Applicants' representative on October 2, 2007. During the phone interview, the Examiner proposed amendments to the claims for overcoming the rejections. Applicants have considered the proposed amendments and have incorporated a number of the proposed amendments into the claims.

Status of the Claims

Claims 15, 17-19, 21-25, 40, 42, and 43 are currently pending. Claims 1-14, 16, 20, 26-39, and 41 have been canceled without prejudice or disclaimer of the subject matter claimed therein.

Claims 42 and 43 have been objected to as dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claims.

Amendments to the Claims

Claims 15, 17-19, 21, 22, 24, 25, 40, 42 and 43 have been amended. Support for the amendments to the claims can be found throughout the specification. Representative support is summarized below. The amendments to the claims were suggested by the Examiner in the Office Action, dated July 10, 2007, and during the phone interview. The amendments do not raise issues requiring new search and consideration.

Claims 15, 17-19, 21, and 40 have been amended to replace the term "probe" with "antibody" and to correct the dependency of the claims as suggested by the Examiner. Representative support for the amendment can be found in claims 16-18.

Claims 15 and 22 have been amended to include the features of canceled claim 41, and claims 42, and 43, which were indicated as allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claims.

Claims 24 and 25 have been amended to replace the term "comprises" with "consists of". Representative support can be found in claims 42 and 43.

Claim 40 has been amended to delete the term "construct" as suggested by the Examiner.

Claims 42 and 43 have been amended to change their dependencies to claim 15.

Rejection Under 35 U.S.C. § 112, First Paragraph

A. Claims 15-25 and 39-41 are rejected under 35 U.S.C. § 112, first paragraph, because the specification allegedly does not provide reasonable enablement for the scope of the claims.

B. Claims 15-25 and 39-41 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with written description requirement.

Without acquiescing to the propriety of these rejections and in the interest of advancing prosecution, claim 15 has been amended to recite “an isolated antibody that binds a peptide consisting of an amino acid sequence of KDR/Flk-1, wherein the amino acid sequence comprises SEQ ID NO: 1 or SEQ ID NO: 2,” and currently pending claims 17-19, 21-25, 40, 42, and 43 include all the features of claim 15, since they are either directly or indirectly dependent upon claim 15. Moreover, claim 22 also has been amended to recite the features added to claim 15. Applicants respectfully submit that claims 42 and 43 which recite “wherein the peptide consists of SEQ ID NO: 1 or 2” have been indicated as allowable if rewritten in independent form and to include the features of the base claim. Thus, claims 15 and 22 have been amended to incorporate the features of claims 41, 42, and 43. Moreover, the Office Action stated on page 10 that if claim 41 were amended to recite “. . . wherein the peptide consists of the amino acid sequence of KDR/Flk-1,” it would obviate the written description rejection. Accordingly, since claim 15 is directed to an antibody that has the features of claims 41, 42, and 43, the specification enables the scope of claim 15 and its dependent claims and claims 15 and its dependent claims comply with the written description requirement. Applicants respectfully request withdrawal of these rejections.

Rejection Under 35 U.S.C. § 112, Second Paragraph

Claims 15-25 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Without acquiescing to the propriety of the rejection and in the interest of advancing prosecution, claims 15 and 22 have been amended to delete the phrase “Y1214 of the KDR/FIk-1”. Applicants respectfully request withdrawal of the rejection.

Rejections Under 35 U.S.C. § 103(a)

A. Claims 15-20 and 22-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Takahashi *et al.* (Takahashi) in view of Harlow *et al.* (Harlow).

B. Claim 21 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Takahashi *et al.* (Takahashi) in view of Harlow *et al.* (Harlow) as applied to claims 15-20 and 22-25 and further in view of U.S. Patent 6,204,011 ('011).

Without acquiescing to the propriety of these rejections and in the interest of advancing prosecution, claim 15 has been amended to include features of claims 41, 42, and 43 as discussed above. Applicants respectfully submit that claims 41, 42, and 43 were not included under these rejections. Accordingly, these rejections are not applicable to claim 15 and its dependent claims.

Conclusion

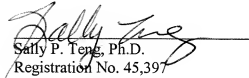
The foregoing amendments and remarks are being made to place the application in condition for allowance. Applicants respectfully request entry of the amendments, reconsideration, and the timely allowance of the pending claims. A favorable action is awaited. Should an interview be helpful to further prosecution of this application, the Examiner is invited to telephone the undersigned.

If there are any additional fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. §1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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